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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,184	08/02/2001	Edward O. Clapper	42390P11330	7545

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EXAMINER

TIEU, BINH KIEN

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 05/07/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/922,184	CLAPPER, EDWARD O.
	Examiner BINH K. TIEU	Art Unit 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 April 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 6-10 and 17-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 6-10 and 17-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/13/2003 has been entered. As the results, claims 6-10, 17-20 and new claims 21-22 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-10 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Pat. #: 6,442,242) in view of Gurbani et al. (U.S. Pat. #: 6,282,275) (both references were cited in the previous Office Action).

Regarding claims 6 and 17, McAllister et al. ("McAllister") teaches a method and apparatus comprising the features of:

receiving a telephone call;

encoding the telephone call;

storing the encoded telephone call; and

sending an email containing the encoded telephone call (col.8, lines 25-32).

Furthermore, McAllister teaches that the message is sent to the purchasing department indicating (to one of agents) that the message had been received from John Smith by the autoattendant system at 3:28 p.m. and is being forwarded as an attachment to the e-mail, of cause, will be eventually played back by an agent (col.8, lines 34-39). McAllister further teaches the video representation signal that indicates the recorded voice message is shown in figure 4.

It should be noticed that McAllister fails to clearly teach the feature of generating video representation. However, Gurbani teaches a representative display 200 as shown in figure 2. It should be understood the representative display is a video interface that displays caller ID and other related information in the video format or representation such as those disclosed in teachings of figure 4 of McAllister to the called party. Such feature in col.3, line 56 – col.4, line 20 for a purpose of presenting caller ID information to the receipt in ISDN, Internet telephone, a computer or the like.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of generating video representations, as taught by Guibani, into view of McAllister in order to presenting content of audio communications at the receipt's video display device to the called party.

Regarding claims 7-10 and 18-20, as noted from the rejection of claims 6 and 17 above that the McAllister teaches voice mail message is transmitted to the purchase department via the

attachment of an email. Gurbani further teaches limitations of the claim in col.3, lines 15-20 and lines 40-43.

3. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Pat. #: 6,442,242) in view of Gurbani et al. (U.S. Pat. #: 6,282,275), as applied to claims 6 and 17 above, and further in view of Xu (U.S. Pat. #: 6,112,233).

Regarding claims 21 and 22, McAllister and Gurbani, in combination, teaches all subject matters as claimed above, except for the video representation in the form of a user selectable icon. However, Xu teaches such form of icon as a message list 740 shown in figure 7, col.6, lines 15-28 for a purpose of remotely retrieving message via a web-browsing network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of such form of icon, as taught by Xu, into view of McAllister and Gurbani in order to remotely retrieve communication messages via a web browsing network.

#### *Response to Arguments*

4. Applicant's arguments filed 01/13/2003 have been fully considered but they are not persuasive.

In response to the Applicant's argument stated in the first paragraph, page 2 of his remarks in response to the Final Office Action wherein the Applicant stated as following:

**“ ...there is nothing in either of the references that enables the video representation to be utilized to receive a request to playback one of the encoded audio communications...”**

The Examiner respectfully disagrees with the Applicant's arguments as stated above.

First of all, McAllister et al. ("McAllister") teaches in column 8, lines 28-31 "...The caller may then provide a brief voice message which is converted to an appropriate audio file format, such as a WAV or MP3 file, and transmitted as an attachment to an e-mail message..."

McAllister further teaches in column 8, lines 34-38 "...a message is sent to the purchasing department indicating that a message has received from John Smith by the autoattendant system at 3:26 p.m and is being forwarded as an attachment to the e-mail." Thus, at this point, it should be understood that one of the agent terminal at the purchasing department should receive this e-mail message with the attachment, and the e-mail message should be displayed on the agent terminal's display unit in the video representation format as shown in figure 4. It should be also understood that the messages displayed on the agent terminal's monitor or display unit such as ones in figure 4, other than the icons as disclosed in the applicant's invention, are also called video representation. Once the e-mail message with the audio voice attachment, represented as audio communications between the autoattendant system and the caller, is reached and displayed to one of the agent terminal's monitor screen as shown in figure 4, the agent of the terminal, of cause, will click on such video representation e-mail message in order to playback the brief voice message and other information related to and left by the caller.

Therefore, the Examiner carefully thinks and believes that McAllister reference inherently teaches the feature of playing back one of the encoded audio communications between the autoattendant system and the caller.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).



BINH TIEU

**PRIMARY EXAMINER**

Art Unit 2643

Date: May 02, 2003